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# H  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Alan Britt et al.

Serial No.: 09/932,532

Art Unit: 3747

Filed: August 17, 2001

Title: CYLINDER HEAD AND CRANKCASE MANUFACTURING  
AND ASSEMBLY TECHNIQUES

Docket No.: 33053

**PETITION UNDER RULE 47**

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Pursuant to 37 CFR 1.47(a), applicant hereby requests and petitions that the above-referenced application be accepted having less than all of the inventors signing the Declaration under 37 CFR 1.63.

**Statement of Pertinent Facts**

The undersigned hereby states the following:

Alan Britt is listed as an inventor in the above-referenced application.

The last known address of Alan Britt is:

P.O. Box 1285

Talladega, AL 35161

On November 30, 2001, a letter was sent to the above address, a copy of which is attached hereto as "Exhibit A." The letter was signed by myself, requesting Alan Britt's signature on Declaration under 37 CFR 1.63, which was enclosed. No response was received.

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09/03/2002 CKHLOK 00000011 160820 09932532  
01 FC:122 130.00 CH

On January 8, 2002, another letter requesting the signed Declaration was sent to the above address, a copy of which is attached hereto as "Exhibit B." No response was received.

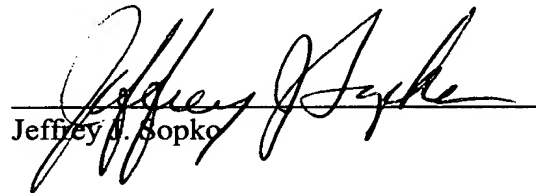
On May 28, 2002, a third letter requesting the signed Declaration was sent to the above address, a copy of which is attached hereto as "Exhibit C." No response was received.

On June 3, 2002, I personally telephoned Alan Britt at which time he explicitly refused to sign and return the Declaration.

Respectfully submitted,

PEARNE & GORDON LLP

By:

  
Jeffrey J. Sopko

526 Superior Avenue, East  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

Date: June 6, 2002



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EXHIBIT "A"

CHARLES B. GORDON  
THOMAS P. SCHILLER  
DAVID B. DEIOMA  
JOSEPH J. CORSO  
HOWARD G. SHIMOLA  
JEFFREY J. SOPKO  
JOHN P. MURTAUGH  
JAMES M. MOORE  
MICHAEL W. GARVEY  
FRANK ADAMO  
RONALD M. KACHMARIK  
AARON A. FISHMAN  
ROBERT F. BODI  
SUZANNE B. GAGNON



# PEARNE & GORDON LLP

ATTORNEYS AT LAW  
526 SUPERIOR AVENUE EAST  
SUITE 1200  
CLEVELAND, OHIO 44114-1484  
TEL: (216) 579-1700 FAX: (216) 579-6073  
EMAIL: ip@pearnegordon.com

PATENT, TRADEMARK,  
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RELATED INTELLECTUAL  
PROPERTY LAW

PATENT AGENTS  
B. ALAN BARGMEYER  
STEVEN J. SOLOMON

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November 30, 2001

Mr. Alan Britt  
P.O. Box 1285  
Talladega, AL 35161

Re: U.S. Patent Application for  
"CYLINDER HEAD AND CRANKCASE MANUFACTURING  
AND ASSEMBLY TECHNIQUES"  
Serial No.: 09/932,532 - Filed: August 17, 2001  
Your Ref. No.: FHP-SP 2000-02 - Our Docket No.: 33053

Dear Alan:

Enclosed are copies of the required Declaration and Power of Attorney and Assignment form for the above-identified application. Please sign and date both forms where indicated and have your signature notarized where indicated on the Assignment form. Please return the executed forms to our office in the enclosed return envelope prior to December 19, 2001.

If you have any questions regarding these forms or the application, please feel free to contact us.

Very truly yours,

Jeffrey J. Sopko

JJS:jl  
Enclosures

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EXHIBIT "B"

CHARLES B. GORDON  
THOMAS P. SCHILLER  
DAVID B. DEIOMA  
JOSEPH J. CORSO  
HOWARD G. SHIMOLA  
JEFFREY J. SOPKO  
JOHN P. MURTAUGH  
JAMES M. MOORE  
MICHAEL W. GARVEY  
FRANK ADAMO  
RONALD M. KACHMAR  
AARON A. FISHMAN  
ROBERT F. BODI  
SUZANNE B. GAGNON  
B. ALAN BARGMEYER

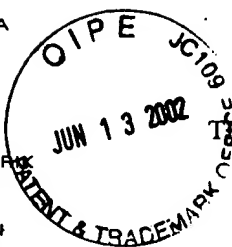
# PEARNE & GORDON LLP

ATTORNEYS AT LAW  
526 SUPERIOR AVENUE EAST  
SUITE 1200

CLEVELAND, OHIO 44114-1484  
TEL: (216) 579-1700 FAX: (216) 579-6073  
EMAIL: ip@pearnegordon.com

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PROPERTY LAW

PATENT AGENT  
STEVEN J. SOLOMON



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January 8, 2002

Mr. Alan Britt  
P.O. Box 1285  
Talladega, AL 35161

Re: U.S. Patent Application for "CYLINDER HEAD AND CRANKCASE  
MANUFACTURING AND ASSEMBLY TECHNIQUES:  
Serial No.: 09/932,532 - Filed: August 17, 2001  
Your Ref. No.: FHP-SP 2000-02 - Our Docket No.: 33053

Dear Alan:

Further to our letter of November 30, 2001, when can we expect to receive the required Declaration and Power of Attorney and Assignment forms for the above-identified application? The next due date for filing the forms with the U.S. Patent Office is January 19, 2002. Will you require an additional extension of time?

Please feel free to contact us if you have any questions.

Very truly yours,

Jeffrey J. Sopko

JJS:jlmm

cc: Brett Cohen



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EXHIBIT "C"

CHARLES B. GORDON  
THOMAS P. SCHILLER  
DAVID B. DEIOMA  
JOSEPH J. CORSO  
HOWARD G. SHIMOLA  
JEFFREY J. SOPKO  
JOHN P. MURTAUGH  
JAMES M. MOORE  
MICHAEL W. GARVEY  
FRANK ADAMO  
RONALD M. KACHMARIK  
AARON A. FISHMAN  
ROBERT F. BODI  
SUZANNE B. GAGNON  
B. ALAN BARGMEYER  
DONALD J. FIRCA, JR.

## PEARNE & GORDON LLP

ATTORNEYS AT LAW  
526 SUPERIOR AVENUE EAST  
SUITE 1200

CLEVELAND, OHIO 44114-1484

TEL: (216) 579-1700 FAX: (216) 579-6073

EMAIL: ip@pearnegordon.com

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PROPERTY LAW

PATENT AGENT  
STEVEN J. SOLOMON



COPY OF PAPER  
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May 28, 2002

Mr. Alan Britt  
4630 Renfroe Road  
Talladega, AL 35160

Re: U.S. Patent Application for  
"CYLINDER HEAD AND CRANKCASE MANUFACTURING AND  
ASSEMBLY TECHNIQUES"  
Serial No.: 09/932,532  
Filed: August 17, 2001  
Our Docket No.: 33053

Dear Alan:

This is a follow up to my earlier letters to you.

It is imperative that you sign and date the enclosed patent documents, and return them to me as soon as possible. I've enclosed a return envelope with prepaid postage for your use. Please note that your signature on the assignment must be notarized. If there are any notary fees involved, please let me know and I will reimburse you.

Please feel free to call with any questions you may have. The enclosed copies of the document are for your files.

Very truly yours,

Jeffrey J. Sopko

JJS:tb

Enclosures

cc: Brett Cohen (w/o encl.)





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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alan Britt et al.

Serial No.: 09/932,532

Filed: August 17, 2001

Title: CYLINDER HEAD AND CRANKCASE MANUFACTURING AND  
ASSEMBLY TECHNIQUES

Docket No.: 33053

LETTER

Box MISSING PARTS

Asst. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

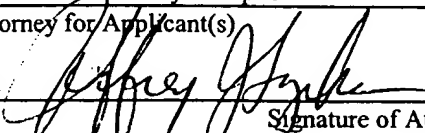
Sir/Madam:

In response to the Notice to File Missing Parts of Nonprovisional Application dated September 19, 2001 (copy enclosed), applicant encloses herewith Petition Under Rule 47, stating that Alan Britt, inventor and applicant for the above-identified application, has refused to sign the required Declaration.

Enclosed is Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

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OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231 on the date indicated below.

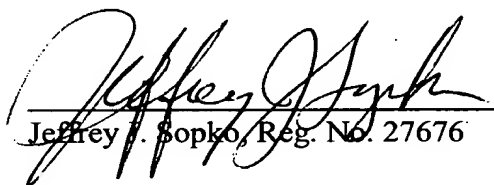
Jeffrey J. Sopko	
Name of Attorney for Applicant(s)	
June 6, 2002	
Date	Signature of Attorney

Also enclosed is a check in the amount of \$1,410.00 (the appropriate fee of \$130.00 for Petition to Commissioner under 37 CFR 1.17(h) and \$1,280.00 for the Petition for Revival under 37 CFR 1.17(m)).

If there are any further fees resulting from this communication not covered by the enclosed check, or if no check was enclosed, please charge the same to Deposit Account No. 16-0820, Order No. 33053.

Respectfully submitted,  
PEARNE & GORDON LLP

By:

  
Jeffrey J. Sopko, Reg. No. 27676

526 Superior Avenue, East  
Suite 1200  
Cleveland, Ohio 44114-1484  
(216) 579-1700

Date: June 6, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/932,532	08/17/2001	Alan Britt	33053

000116  
PEARNE & GORDON LLP  
526 SUPERIOR AVENUE EAST  
SUITE 1200  
CLEVELAND, OH 44114-1484

CONFIRMATION NO. 4288

## FORMALITIES LETTER



\*OC00000006576702\*

Date Mailed: 09/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Alan Britt*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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06/17/2002 CCHAU1 00000115 09932532

01 FC:105

130.00 OP



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DA G B

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

33053

First named inventor: Alan Britt

Application No.: 09/932,532

Art Unit: 3747

Filed: August 17, 2001

Examiner:

Title: CYLINDER HEAD AND CRANKCASE MANUFACTURING AND ASSEMBLY  
TECHNIQUES

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a  
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the  
expiration date of the period set for reply in the Office notice or action plus an extensions of time  
actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee.**

☐ Small entity-fee \$\_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1280 (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in  
the form of Petition Under Rule 47

- (identify type of reply): **OFFICE OF PETITIONS**
- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee of \$\_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on  
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC  
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

06/17/2002 CCHWJ1 00000114 09932532

01 FC:141

1280.00 OP



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PTO/SB/64 (10-01)

Approved for use 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

June 6, 2002

Date

Telephone

Number: (216) 579-1700

Signature

Jeffrey J. Sopko

Typed or printed name

526 Superior Avenue East, Ste. 1200

Address

Cleveland, Ohio 44114-1484

Enclosures: ☒ Fee Payment

- ☐ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: \_\_\_\_\_

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.
- ☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

June 6, 2002

Date

Signature

Jeffrey J. Sopko

Type or printed name of person signing certificate